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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,615	07/18/2003	Pamela R. Stevens	01601-9003	2629

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EXAMINER

STASHICK, ANTHONY D

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/622,615	<b>Applicant(s)</b> STEVENS, PAMELA R.	
	<b>Examiner</b> Anthony Stashick	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both the shoe opening (Figure 1) and ankle (Figure 4A). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities: On page 4, line 6, reference number 26 is defined as "shoe opening" then inline 11 it is referred to as "ankle". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 14-18, 20-21 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by McKinley 2,233,544. McKinley '544 discloses all the limitations of the claims including the following: an anchor 2 configured to removably attach to a wearer; a decorative article 4 affixed to the anchor; the decorative article configured to mount to the anchor to enable

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the decorative article to appear integrated with a first portion of a shoe worn by the wearer (see Figure 1); the anchor comprises a first loop (2 and 3 or 2 and 1) composed of a material exhibiting elastic properties (elastic bands 1 and 2); the wearer comprises a foot and the anchor attaches to a first portion of the foot (see Figure 1); the first portion of the shoe comprises a toe box and the decorative article appears to be integrated with the toe box (see Figure 1); the first portion of the shoe comprises a first side portion (where lead line 2 is located in front portion of shoe) and the decorative article appears to be integrated with the first side portion (see Figure 1); the first portion of the shoe comprises a strap (that shown in Figure 1, from the shoe laces to behind the ankle) wrapping around the ankle and the decorative article appears to be integrated with the strap (See Figure 1); the anchor comprises a first (2 and 1) and second (2 and 3) loop.

5. Claims 1-5, 9-13, 15-18 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ransbottom 5,496,612. Ransbottom '612 discloses all the limitations of the claims including the following: an anchor 18 configured to removably attach to a wearer (see Figure 4); a decorative article 24 affixed to the anchor; the decorative article configured to mount to the anchor to enable the decorative article to appear integrated with a first portion of a shoe worn by the wearer (see Figure 4); the anchor comprises a first loop 18 composed of a material exhibiting elastic properties (see col. 2, lines 21-31); the wearer comprises a foot and the anchor attaches to a first portion of the foot (see Figure 4); the first portion of the shoe comprises a toe box and the decorative article appears to be integrated with the toe box (see Figure 4, shoe shown in phantom); the first portion of the shoe comprises a first side portion (inner side of shoe shown in phantom in Figure 4) and the decorative article appears to be integrated with the first side

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portion (see Figure 4); the decorative article is a flower 24; the decorative article comprises a ribbon 10; the decorative article comprises a first button 22; the decorative article comprises a first fabric (accessory) trimming 14; the decorative article comprises a feather (see col.3, line 4).

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 8 and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Ransbottom 5,496,612 as applied above. Ransbottom '612 as applied above discloses all the limitations of the claims except for the anchor attaching to the user's ankle and the decorative article being a feather. Ransbottom '612 teaches that the anchor is made of elastic material that can stretch for use. Since the band 18 can stretch, it would have been well within the knowledge of one of ordinary skill in the art that this anchor can be stretched over the user's heel and placed around the ankle to adorn a high top boot. Therefore, it would have been obvious to stretch the ornament of Ransbottom '612 over the ankle to adorn high top footwear.

### *Conclusion*

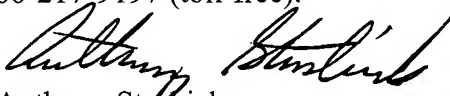
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form 892 enclosed herewith.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Stashick whose telephone number is (571) 272-4561. The examiner can normally be reached on Monday through Thursday from 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anthony Stashick  
Primary Examiner  
Art Unit 3728

ADS